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09/590,922	06/09/2000	Saeed Shafiyen-Rad	00AB045	3172

7590 07/26/2004

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EXAMINER

NGUYEN, PHUNG

ART UNIT PAPER NUMBER

2632

DATE MAILED: 07/26/2004

*Handwritten signature*

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/590,922

**Applicant(s)**

SHAFIYAN-RAD ET AL.

**Examiner**

Phung T Nguyen

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-11 and 13-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-11,13-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

1. This Office action is in response to the amendment filed on 05/07/04.

Claims 1, 11, and 20 have been amended.

Claims 2, 3, and 12 have been cancelled.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-11, and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Electro-tech systems, Inc. (ETS) "Ground strap testers" (09/1997).

**Regarding claim 1:** ETS discloses the Utility Wiring Verifier/ AC Outlet tester (Model 256) comprising a housing having a first side extending generally between second and third sides; and at least one elongated strip of substantially translucent material extending through the first side and at least the second sides so that part of the strip is visible at the first side and the at least one of the second and third sides (see P3 enlarged Figure, col. 1, paragraph 2, and col. 2, paragraph 2). ETS discloses the Utility Wiring Verifier/ AC Outlet tester (Model 256) comprising the visual indicators as seen in P3 enlarged Figure but does not specifically teach the light source has an illuminated condition and non-illuminated condition, each condition being indicative of an operating condition of the indicator apparatus as claimed. Since the indicator device of ETS will illuminate/non-illuminate based on the condition of an the wiring of an AC outlet, it would have been obvious to one of ordinary skill in the art to readily recognize that the

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indicator apparatus of ETS does have an illuminated condition and non-illuminated condition, each condition being indicative of an operating condition of the indicator apparatus also in order to provide an indication of one or more corresponding operating condition of the device.

**Regarding claim 4:** ETS discloses the claimed whereby the at least one elongated strip is visible along the first side, the second side, and the third side as seen in P3 enlarged Figure.

**Regarding claim 5:** ETS discloses the second and third sides are opposed sides of the housing, see P3 enlarged Figure.

**Regarding claim 6:** ETS discloses each of the at least two elongated strips extending through the first side and at least one of the second and third sides so that part of each the elongated strips is visible at the first side and the at least one of the second and third sides, a partition of a substantially opaque material separating the at least two elongated strips as shown in P3 enlarged Figure.

**Regarding claim 7:** ETS discloses including a different light source operatively associated with each of the at least two elongated strips as seen in P3 enlarged Figure, col. 1, paragraph 2.

**Regarding claim 8:** ETS discloses wherein each of the at least two elongated strips extends completely through the housing from the second side through to the third side and is exposed at the first side as shown in P3 enlarged Figure.

**Regarding claim 9:** Refer to claim 5 above.

**Regarding claim 10:** ETS discloses the at least elongated strip has an outer extent that substantially conforms to the contour of an adjacent outer sidewall portion of the housing as seen in P3 enlarged Figure.

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**Regarding claim 11:** All the claimed subject matter is already discussed in respect to claims 1 and 6 above.

**Regarding claim 13:** ETS discloses the claimed wherein the at least one elongated slot extend completely through the housing from the second side through to the third side, whereby translucent material is visible at the first side, the second side, and the third side as seen in P3 enlarged Figure. ETS does not specially teach providing an opening along the first side as claimed. However, as seen the enlarged figure, one skilled in the art would have clearly recognize that the elongated slots of the device of ETS do provide an opening along the first side so that one can easily change the light bulb in case it burned out in order to eliminate the need of special tools to open it.

**Regarding claim 14:** ETS discloses wherein the second and third sides are opposed sides of the housing as shown in P3 enlarged Figure.

**Regarding claim 15:** Refer to claim 6 above.

**Regarding claim 16:** Refer to claim 7 above.

**Regarding claim 17:** Refer to claim 13 above.

**Regarding claim 18:** Refer to claim 14 above.

**Regarding claim 19:** Refer to claim 10 above.

**Regarding claim 20:** All the claimed subject matter is already discussed in respect to claim 1 above.

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider et al. (U.S. Pat. Des. 391,182) in view of Electro-tech systems, Inc. (ETS) "Ground strap testers" (09/1997).

**Regarding claim 21:** Schneider et al. disclose indicator for locating proximity sensors comprising a proximity sensor for sensing the proximity of an object; an indicator housing having an outer sidewall portion with a plurality of sides, and the light source being activated based on an operating condition of the proximity sensor system as shown in figures 1-7. Schneider et al. do not teach at least one elongated strip of substantially translucent material extending through at least one side of the side wall portion through another side of the sidewall portion so that part of the strip is visible at the at least one side and the another side of the side wall portion. It is clear to see that the indicator in Schneider et al. is situated at the corner of the sensor housing which provides viewable indication from two sides viewing angles, see Figs 2 and 7. ETS also teaches a tester having three elongated strips substantially translucent material extending through one side of the sidewall through another side of the sidewall portion as seen in P3 enlarged Figure which provides three viewable sides. Since they both teach an indicator system which is visible from the at least two different sides, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to substitute the indicator of Schneider et al. with the illuminated strip with three viewing sides as taught by ETS in order to provide a more comprehensive indication scheme.

***Response to Arguments***

5. Applicant's arguments filed 05/07/04 have been fully considered but they are not persuasive.

Applicant's argument:

a. Applicant argues that the Outlet tester provides a check of the wiring of an AC outlet and does not have illuminated and non-illuminated conditions being indicative of an operating condition of an indicator.

b. Applicant argues that ETS and Schneider et al. cannot be combined to make claim 21 obvious because there is not proper motivation in either reference to combine the reference teachings. Schneider et al. disclose an ornamental design for a proximity sensor which is used for detecting the presence or absence of an object, not to determine the wiring status of an AC outlet. In addition, the present invention relates to a proximity sensor system providing an indicator visible at different viewing angles.

Response to argument:

a. Examiner respectfully disagrees with the applicant's argument because the Outlet tester is a device providing the user information concerning the line wiring status (having an indicator in the form of lights corresponding to the wiring of a separate AC outlet). Since the illuminated and non-illuminated conditions of the Outlet tester are based on the condition of the device, i.e., if the user wired the outlet correctly, it would be obvious to the skilled artisan to readily recognize that the Outlet tester has an illuminated condition and a non-illuminated condition being indicative of an operating condition of the indicator apparatus.

b. Examiner respectfully disagrees with the applicant's argument because Schneider et al. teach a proximity sensor system including an indicator visible at different viewing angles. ETS teaches a tester having three elongated strips substantially translucent material extending through one side of the sidewall through another side of the sidewall portion as seen in P3 enlarged

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Figure which provides three viewable sides. Since they both teach an indicator system which is visible from the at least two different sides, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to substitute the indicator of Schneider et al. with the illuminated strip with three viewing sides as taught by ETS in order to provide a more comprehensive indication scheme.

### **Conclusion**

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung Nguyen whose telephone number is (703)308-6252. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu, can be reached on (703)308-6730. The fax number for this Group is (703) 872-9314.



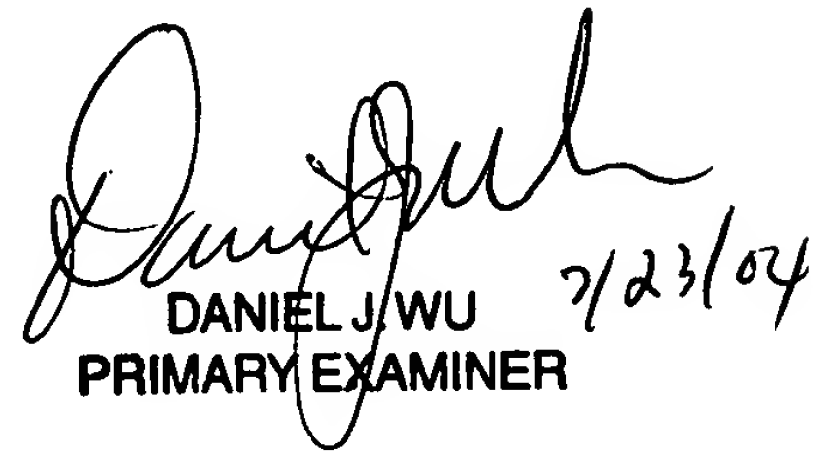
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Phung Nguyen

Date: July 14, 2004

  
DANIEL J. WU 7/23/04  
PRIMARY EXAMINER